

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPEAL OF CUP 57-90, CHESNUT, BY
THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND
DEPARTMENT OF FORESTRY.

ORDER 91-150

NATURE OF THE APPEAL:

The application for a non forest residential use, CUP 57-90, was heard by the Hearings Officer November 16, 1990. An order granting approval was signed and filed February 28, 1991.

The appellants posted an appeal of this disposition March 8, 1991, and the case was scheduled for hearing, on the record, April 15, 1991, by the Board of Commissioners and continued to April 17, for decision only.

The above Hearings were conducted in accordance with Article 33 of the Klamath County Land Development Code.

THOSE WHO PARTICIPATED:

The Board of County Commissioners was present. The Planning Department position was set out by Kim Lundahl, Senior Planner. Rod Davis, County Counsel, was present to provide legal counsel as requested. The appellants were represented by Mel Lucas, Ted Lorensen and Ed Deblander, who appeared and argued in favor of the appeal. The applicant, Mary Beth Chesnut, appeared and was represented by Brad Aspell, Attorney-at-Law, who argued against the appeal.

PROPERTY DESCRIPTION:

The property proposed for the non forest use is described as a portion of the SE 1/4 Section 5, T 33S R 7E W.M.. T.A. 3307-5-500. The subject property is zoned/planned "Forestry".

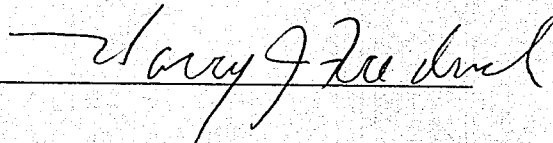
FINDINGS & ORDER:

The Board of County Commissioners, upon review of the record and argument, UPHOLD the appeal of the DLCD and ODF and reverse the decision of the Hearings Officer.

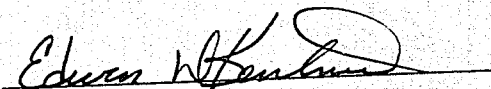
The Board agrees with the appellants position as set out in the attached letter dated March 7, 1991, and argument, as directed to the H.O. Order signed February 28, 1991 and attached.

DATED this 17th day of April, 1991

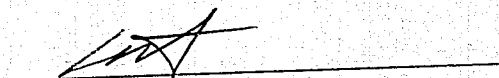
Chairman of the Board




Commissioner



Commissioner



REVIEWED


 Rod Davis, County Counsel

NOTICE OF APPEAL RIGHTS

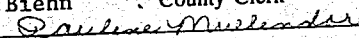
This decision may be appealed to the Land Use Board of Appeals within 21 days following the date of the mailing. Contact the Klamath County Planning Department for more information regarding this procedure. Failure to do so within the 21 day period may jeopardize your right of appeal.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 30th day
 of April A.D., 19 91 at 10:04 o'clock A M., and duly recorded in Vol. M91,
 of Deeds on Page 7956.

Evelyn Biehn, County Clerk

By



FEE none

Return: Commissioners Journal